

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DOUGLAS R. DOMEL and WINSTON G. WALKER

Application No. 10/062,655

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 4, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On July 13, 2005, appellants filed an appeal brief. A review of the file reveals that the fee was not charged for the appeal brief. Before further review of this file, the appeal brief fee must be applied to the appellants' account.

In addition, the examiner has not listed the references to van Dinteren and Buccola in the Evidence Relied Upon section of

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the examiner's answer mailed September 15, 2005 (see page 2 of the final Office action mailed June 28, 2005). The examiner must list these references in the Evidence Relied Upon section before further review of this application.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) entry of the appeal brief fee; 2) entry of the missing references to van Dinteren and Buccola in the Evidence Relied Upon section of a supplemental examiner's answer; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

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Application No. 10/062,655

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